

b.) Remarks

Claims 1-7 have been amended in order to recite the present invention with the specificity required by statute. The subject matter of the amendment is discussed in the specification as filed, *inter alia*, the Examples, wherein the first and second resin layers are affixed to the foamed substrate by printing, thermal transfer, coating and the like.

Accordingly, no new matter has been added.

Claims 1-7 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner's bases for this rejection are set forth at pages 2-3 of the Office Action. In response, each of the Examiner's points is addressed by the foregoing amendment. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1, 3-5 and 7 are rejected under 35 U.S.C. §102(b) as anticipated by the English-language translation of Takeda (JP 08-323049), said to show a plate-like substrate 21 which the Examiner states is foamed, together with resin and reversible metachromatic layers thereon.

This rejection is respectfully traversed.

Takeda teaches a toy structure in which a plastic sheet (resin layer) is laminated on a surface of a foamed resin support (base material), with a reversible thermochromic layer being laminated on the plastic sheet. Thus, Takeda is simply representative of Applicants' acknowledged prior art (see specification page 2, lines 8-14) which provides a flexible laminate, but which warps after use, because the plastic sheet is provided on only one side of the foamed support.

In contrast, according to the original claims presented herein, the present application respectively provides first and second resin layers on the front and back sides of

the foamed substrate. As a result, even after long term use, deformation or damage of the foamed substrate (base material) can be prevented.

Respectfully submitted, there is no *prima facie* anticipation of the rejected claims.

Claims 2 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takeda in view of Japan "63-4304".^{2/}

As discussed above, Takeda does not teach or suggest a laminate construction in which plastic sheets are placed on both sides of a foamed resin support. This deficiency is not addressed by JP 63-43094, which is cited as teaching a back surface with a reversible metachromic layer.

As with Takeda, the JP 63-43094 reference is also distinguished in Applicants' specification. As seen at specification page 2, lines 1-7, JP 63-43094 teaches a picture book in which urethane foam substrate 3 is enclosed within a soft plastic film 2, and a reversible thermochromic layer is laminated on the soft plastic film.

For the Examiner's convenience, and to complete the record, a complete English translation of the relevant portions of JP 63-43094 follows:

"Fig. 1 is an entire perspective view, and Fig. 2 is a cross sectional view. A main body 1 which constitutes a book is required to be formed of a water-proof material, so a urethane foam substrate 3 is enclosed within a soft plastic film 2.2, and a work 4 such as a story, poem or the like is printed thereon."

As seen from the above, the urethane foam substrate 3 and the soft plastic film of JP 63-43094 are separate and distinct from each other, and if the envelope of the film 2 is cut or torn, the urethane foam substrate 3 is easily removed. Thus, JP 63-43094

^{2/} During a September 23, 2004 telephone interview, the Examiner confirmed that this reference is JP 63-43094.

does not teach or suggest that the urethane foam substrate 3 and the soft plastic film 2 are affixed firmly or joined to provide an integral structure, as in the present invention.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 1-7 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicants
Lawrence S. Perry
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
LSP\ac

NY_MAIN 469191v1